

HOUSE BILL NO. 1514

Introduced by

Representatives Tveit, Fisher, Kasper, K. Koppelman, Paulson

Senators Clemens, O. Larsen, Luick

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to create and enact a new section to chapter 23-16, a new section to chapter  
2 43-15, and a new section to chapter 43-17 of the North Dakota Century Code, relating to a  
3 ~~hospital patient's right to try off-label use drugs~~, a hospital ban on discrimination based on  
4 ~~vaccine~~vaccination status, pharmacist fulfillment of off-label drug use prescriptions for the  
5 treatment of COVID-19, and the board of medicine's authority to bring disciplinary actions; and  
6 to provide an effective date.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1.** A new section to chapter 23-16 of the North Dakota Century Code is created  
9 and enacted as follows:

10 ~~**Right to try off-label use drugs -- Ban on discrimination based on vaccine**~~**vaccination**  
11 **status.**

12 ~~1. If a patient is prescribed a United States food and drug administration approved drug~~  
13 ~~for off-label use, a hospital shall honor that prescription.~~

14 ~~2. In providing health care, a hospital may not discriminate against a patient based on that~~  
15 ~~patient's vaccine~~**vaccination** status.

16 **SECTION 2.** A new section to chapter 43-15 of the North Dakota Century Code is created  
17 and enacted as follows:

18 **Off-label use - COVID-19.**

19 If a pharmacist receives a United States food and drug administration-approved drug  
20 prescription for the off-label treatment or prevention of ~~a disease or medical condition~~**severe**  
21 **acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral**  
22 **fragments of SARS-CoV-2,** the pharmacist may not refuse to dispense the drug based on the  
23 pharmacist's professional judgment regarding the appropriateness of the prescription. This

1 section does not prevent the pharmacist from contacting the prescriber regarding the  
2 prescription.

3 **SECTION 3.** A new section to chapter 43-17 of the North Dakota Century Code is created  
4 and enacted as follows:

5 **COVID-19 - Limitations on disciplinary actions.**

6 The board may not take disciplinary action against a licensee based on the licensee  
7 distributing documented medical information, providing information regarding the licensee's  
8 professional experience or observations, or speaking against a public official. The board may  
9 not bring a disciplinary action against a licensee based on the prescription of a **United States**  
10 **food and drug administration-approved** drug for the off-label treatment or prevention of severe  
11 acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral  
12 fragments of SARS-CoV-2.

13 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective upon its filing with the  
14 secretary of state.